



Sen. Scott M. Bennett

Filed: 4/28/2021

10200HB0350sam001

LRB102 10102 LNS 23411 a

1 AMENDMENT TO HOUSE BILL 350

2 AMENDMENT NO. _____. Amend House Bill 350 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal and Traffic Assessment Act is
5 amended by changing Sections 5-10 and 5-20 as follows:

6 (705 ILCS 135/5-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 5-10. Schedules; payment.

9 (a) In each case, the court shall order an assessment at
10 the time of sentencing, as set forth in this Act, for a
11 defendant to pay in addition to any fine, restitution, or
12 forfeiture ordered by the court when the defendant is
13 convicted of, pleads guilty to, or is placed on court
14 supervision for a violation of a statute of this State or a
15 similar local ordinance. The court may order a fine,
16 restitution, or forfeiture on any violation that is being

1 sentenced but shall order only one assessment from the
2 Schedule of Assessments 1 through 13 of this Act for all
3 sentenced violations in a case, that being the schedule
4 applicable to the highest classified offense violation that is
5 being sentenced, plus any conditional assessments under
6 Section 15-70 of this Act applicable to any sentenced
7 violation in the case.

8 (b) If the defendant's income is less than 200% of the
9 poverty level, before the court orders an assessment, the
10 court shall make a determination of the defendant's ability to
11 pay the assessment. If the court determines that the defendant
12 is unable to pay the assessment, the court may reduce the
13 assessment or waive the assessment in the court's discretion.

14 If the court finds that the schedule of assessments will cause
15 an undue burden on any victim in a case or if the court orders
16 community service or some other punishment in place of the
17 applicable schedule of assessments, the court may reduce the
18 amount set forth in the applicable schedule of assessments or
19 not order the applicable schedule of assessments. If the court
20 reduces the amount set forth in the applicable schedule of
21 assessments, then all recipients of the funds collected will
22 receive a prorated amount to reflect the reduction.

23 (c) The court may order the assessments to be paid
24 forthwith or within a specified period of time or in
25 installments.

26 (c-3) Excluding any ordered conditional assessment, if the

1 assessment is not paid within the period of probation,
2 conditional discharge, or supervision to which the defendant
3 was originally sentenced, the court may extend the period of
4 probation, conditional discharge, or supervision under Section
5 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
6 applicable, until the assessment is paid or until successful
7 completion of public or community service set forth in
8 subsection (b) of Section 5-20 of this Act or the successful
9 completion of the substance abuse intervention or treatment
10 program set forth in subsection (c-5) of this Section.

11 (c-5) Excluding any ordered conditional assessment, the
12 court may suspend the collection of the assessment; provided,
13 the defendant agrees to enter a substance abuse intervention
14 or treatment program approved by the court; and further
15 provided that the defendant agrees to pay for all or some
16 portion of the costs associated with the intervention or
17 treatment program. In this case, the collection of the
18 assessment shall be suspended during the defendant's
19 participation in the approved intervention or treatment
20 program. Upon successful completion of the program, the
21 defendant may apply to the court to reduce the assessment
22 imposed under this Section by any amount actually paid by the
23 defendant for his or her participation in the program. The
24 court shall not reduce the assessment under this subsection
25 unless the defendant establishes to the satisfaction of the
26 court that he or she has successfully completed the

1 intervention or treatment program. If the defendant's
2 participation is for any reason terminated before his or her
3 successful completion of the intervention or treatment
4 program, collection of the entire assessment imposed under
5 this Act shall be enforced. Nothing in this Section shall be
6 deemed to affect or suspend any other fines, restitution
7 costs, forfeitures, or assessments imposed under this or any
8 other Act.

9 (d) Except as provided in Section 5-15 of this Act, the
10 defendant shall pay to the clerk of the court and the clerk
11 shall remit the assessment to the appropriate entity as set
12 forth in the ordered schedule of assessments within one month
13 of its receipt.

14 (e) Unless a court ordered payment schedule is implemented
15 or the assessment requirements of this Act are waived under a
16 court order, the clerk of the circuit court may add to any
17 unpaid assessments under this Act a delinquency amount equal
18 to 5% of the unpaid assessments that remain unpaid after 30
19 days, 10% of the unpaid assessments that remain unpaid after
20 60 days, and 15% of the unpaid assessments that remain unpaid
21 after 90 days. Notice to those parties may be made by signage
22 posting or publication. The additional delinquency amounts
23 collected under this Section shall be deposited into the
24 Circuit Clerk Operations and Administration Fund and used to
25 defray additional administrative costs incurred by the clerk
26 of the circuit court in collecting unpaid assessments.

1 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

2 (705 ILCS 135/5-20)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 5-20. Credit; time served; community service.

5 (a) Any credit for time served prior to sentencing that
6 reduces the amount a defendant is required to pay shall be
7 deducted from the fine, if any, ordered by the court.

8 (b) Excluding any ordered conditional assessment, a
9 defendant who has been ordered to pay an assessment may
10 petition the court to convert all or part of the assessment
11 into court-approved public or community service. One hour of
12 public or community service shall be equivalent to \$10 ~~\$4~~ of
13 assessment. The performance of this public or community
14 service shall be a condition of probation, conditional
15 discharge, or supervision and shall be in addition to the
16 performance of any other period of public or community service
17 ordered by the court or required by law.

18 (Source: P.A. 100-987, eff. 7-1-19; 101-408, eff. 1-1-20.)".